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EXAMINER

NGUYEN, CAO H

ART UNIT PAPER NUMBER

2173

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/014,929

Applicant(s)

QUIMBY, DAVID H.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (US Patent No. 6,904,450) in view of Craig (US Patent No. 6,654,785 B1).

Regarding claims 1, 9, 17 and 27 Craig discloses a customizable web site access system, comprising: a composer to create a presentation wherein said presentation comprises a list of a plurality of URLs, a desired sequence of display of said plurality of URLs, and a pre-set display duration for each of said plurality of URLs [..The synchronization application includes a code segment to direct each of the student applets to retrieve and display the presentation slides located at the URLs designated by the instructor and displayed via the Web browser. The display is synchronized in that the same presentation URL is displayed at the instructor workstation and each of the plurality of student workstations; see abstract]; and a performer to automatically display the created presentation in a slide show format according to said list, said desired sequence [..Each URL in the working list has assigned a listing duration level of permanence, which controls how long the URL will be kept or maintained present in the working list, as well as an indication of the circumstances under which it will be removed from the list.

This level of listing duration permanence is visible to, and may be modified by, the system user. In addition, each URL on the working list has an assigned level of activity duration permanence for controlling how long the URL will be kept active, and of the circumstances under which it will be deactivated; see col. 3, lines 6-65]; and a composer invoker remote from said host server to active said composer and provide said list, said desired sequence, and said pre-set display duration; and a performer invoker remote from said host server to active said performer and display said created presentation (see col. 12, lines 1-26).

However, Craig fails to explicitly teach wherein each of said plurality of URLs comprises a slide within said created presentation and wherein each slide is automatically presented to a user absent human intervention for said pre-set display duration.

King discloses plurality of URLs comprises a slide within said created presentation and wherein each slide is automatically presented to a user absent human intervention for said pre-set display duration [slide show of information to the user which is continuously updated; see col. 7, lines 12-51]. It would have been obvious to one of an ordinary skill in the art, having the teachings of King and Craig before him at the time the invention was made, to modify each slide is automatically presented to a user absent human intervention for said pre-set display duration of King to include the presentation slide over network, as taught by Craig. One would have been motivated to make such a combination in order to provide an automatically customized webpage or image presentation on slideshow that displaying on web browser with time duration.

Regarding claim 2, Craig discloses wherein said performer to provide a user control panel (see col. 8, lines 52-64 and figure 2).

Regarding claim 3, Craig discloses, wherein said user control panel enables the pausing and stopping of said presentation (see col. 9, lines 1-9).

Regarding claims 4 and 28, Craig discloses wherein said user control panel enables a user change to said desired sequence or a user change to said display duration (see col. 9, lines 10-22).

Regarding claims 5 and 30, Craig discloses wherein said presentation comprises horizontal navigation, vertical navigation, or item navigation of web sites (see col. 10, lines 13-44).

Regarding claims 6, 25 and 26, Craig discloses wherein said performer is automatically activated by entry into a web site through user-entry of a URL, by activation of a hyper-link, by activation of a hyper-link embedded in an e-mail, or by selection of one of a plurality of presentations from a gallery (see col. 13, lines 7-41).

Regarding claim 7, Craig discloses wherein said presentation is stored on a host server for access by web users (see col. 13, lines 43-67).

Regarding claim 8, Craig discloses wherein said presentation includes an audio overlay (see col. 1, lines 34-64).

As claims 10-16, and 18-24 are analyzed as previously discussed with respected to claims 1-8 above.

***Response to Arguments***

Applicant's arguments filed on 11/15/05 have been fully considered but they are not persuasive.

In response to applicant's argument that pages 12 there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Craig discloses a customizable web site access system used in combination of King's slide show of information to the user which is continuously updated. It would have been obvious to one of an ordinary skill in the art, having the teachings of King and Craig before him at the time the invention was made, to modify each slide is automatically presented to a user absent human intervention for said pre-set display duration of King to include the presentation slide over network, as taught by Craig. One would have been motivated to make such a combination in order to provide an automatically customized webpage or image presentation on slideshow that displaying on web browser with time duration.

The Applicant argues that King and Craig do not teach or suggest "and a composer invoker remote from said host server to active said composer and provide said list, said desired sequence, and said pre-set display duration; and a performer invoker

remote from said host server to active said performer and display said created presentation.” The Examiner respectfully disagrees. As shown in figures 3-4, Craig discloses “The applets 71, 73, 75 are loaded on the instructor 70 and student workstations from a web server 76 somewhere on the network 84. Preferably, this is the primary web server. Since the applets are constrained by the Java environment to connect only to their download host, that system (e.g., the primary web server) also runs the synchronization application LectureServer. Each applet accesses the same directories (or folders) containing the lectures, and the lecture name and current slide is the only data necessarily coordinated by the LectureServer. In this regard, the lectures comprise merely ordered lists of URLs which specify slide content. These URLs may specify information located virtually anywhere on the network.

In summary, the primary server 76 provides: the Student applet (via a HTML page), the Instructor applet 71 (via a different HTML page), the current set of lectures (a directory or folder accessed by each of the above applets), and the LectureServer (which does NOT access the lectures). Instead, the LectureServer is merely a "synchronization server" it has no knowledge of the content of an individual lecture, only which slide is the current slide. As the actual (human) instructor changes slides, the Instructor applet 71 updates the LectureServer 77, which in turn updates all student sessions. The client browsers actually retrieve each slide's content under direction of their respective applets.

Since browsers are not confined by the Java security model, the slides can be served by any number of machines on the net. Furthermore, the slide servers do not need to be Web (HTTP) servers, as recited in column 10, lines 13-43.

In response to applicant's argument that, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the



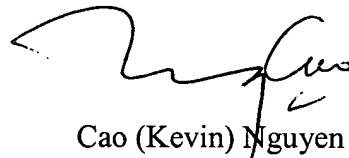
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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

01/17/06